GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants — Allegations of possession of disproportionate assets against Sri Metta Appanna, Executive Engineer (Retd.), VUDA/VMRDA., Visakhapatnam District –Prosecution Accorded - Withdrawal of prosecution and entrusting the case to COI — Orders — Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.I) DEPARTMENT

G.O. Ms. No.63 **Dated:16.05.2024**

Read the following :-

1) Radio Message Dated; 28.9.2010 from the DSP, ACB, Visakhapatnam Range, Visakhapatnam.
2) From the Vice Chairman, VUDA, Visakhapatnam Lr.Rc.No.116 10/A1, Dated: 1.10.2010
3) G.O.Rt.NO.1219, MA&UD Dated: 26.10.2010.
4) From the D.G., ACB., Hyderabad Letter Rc.No.171/RCA-WVP/2010-S11, Dated:11.5.2011.
5) G.O. Ms.No.254, MA&UD(Vig.I)Dept. dated 04.07.2012
6) From the D.G., ACB., Hyderabad Letter Rc.No.171/RCA-WVP/2010-S11, Dated:07.05.2014.
7) G.O. Ms.No.200, MA&UD(Vig.I)Dept. dated 20.09.2014.
8) Representations from Sri Metta Appanna, the then Executive Engineer (Retd.), VUDA/VMRDA., Visakhapatnam, dt:10.02.2019, 24.04.2020, 20.06.2021, 15.02.2022 and 29.11.2023.
9) Govt.Memo.No. No.20288/Vig.I/2010, Dated:04.04.2022 and 15.02.2023.
10) From the D.G., ACB., Letter Rc.No.171/RCA-WVP/2010-S11, Dated:19.05.2023.

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ORDER:

Whereas in the references 1st and 2nd read above, the Deputy Superintendent of Police, Anti Corruption Bureau, Visakhapatnam Range and the Inspector of Police, Anti Corruption Bureau, Visakhapatnam Range reported that, a Disproportionate Assets case was registered by the ACB authorities against Sri Metta Appanna, Executive Engineer, Zone-IV Visakhapatnam Urban Development Authority, Visakhapatnam, (now retired) as he had acquired assets disproportionate to the known sources of his legal income. The accused officer was arrested on 28.9.2010 at 14.15 hours and the Hon'ble III Additional District Sessions Judge-cum-Special Judge for ACB Cases, Visakhapatnam granted remand to the A.O. Therefore, the Bureau requested to place the A.O., under suspension, with effect from 28.09.2010.

2. In the G.O. 3rd read above, Govt., issued orders placing the A.O., Sri Metta Appanna, Executive Engineer, Zone-IV, Visakhapatnam, under deemed suspension from the date of his detention i.e., 28.9.2010. under rule 8 (2) of APCS (CC&A) rules, 1991.

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3. In the reference 4th read above, the Director General, ACB, AP, Hyderabad, among others, requested the Government to authorize the investigating officer to file an application in the Hon'ble Court of Special Judge for SPE & ACB Cases, Visakhapatnam for attachment of certain properties worth of Rs.67,27,214/- of Sri Metta Appanna, Executive Engineer, Zone-IV Visakhapatnam Urban Development Authority, Visakhapatnam under Section 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988. Accordingly, Government authorized the Investigating Officer of ACB, Visakhapatnam Range, for filing application in the Hon'ble Court of Special Judge for ACB Cases, Visakhapatnam for attachment of certain properties worth of Rs. Rs.67,27,214/- of the above accused and his family, vide G.O. 5th read above.

4. In the reference 6th read above, the Director General, Anti Corruption Bureau, in his final report, among others, stated that the allegation of acquisition of assets disproportionate to his known sources of income is substantiated against Sri Metta Appanna, Executive Engineer, Zone-IV Visakhapatnam Urban Development Authority, Visakhapatnam and recommended for prosecution of the AO under Section 13(2) r/w 13(1)(e) of PC Act 1988 and also recommended to initiate departmental action for violation of Rule 9(1), 9((7), 9(8) read with rule 3 (1) and (2) of APCS (Conduct)Rules, 1964. Finally, the DG, ACB, Vijayawada requested to issue sanction order, as required under Section 19(1)(b) of PC Act, 2018 for prosecution of the AO in the Court of law. Accordingly, the Government, in the G.O. 7th read above, accorded the sanction orders for prosecuting the accused officer Sri M.Appanna, the then Executive Engineer, Zone-IV, VUDA, Visakhapatnam(now retired) in a court of law under Prevention of Corruption Act, 1988 and a charge sheet has been filed by the ACB and numbered as CC.No.15/2014. The case is pending in the Trial Court.

5. Whereas in the reference 8th read above, Sri M.Appanna, the then Executive Engineer, Zone-IV, VUDA, Visakhapatnam, in his representations, while enclosing supported documents, among others, has stated that the officials of ACB has registered a false case against him and the I.O. had not followed the guidelines of the Govt. while calculating the assets, income and expenditure. The ACB had not added some of the incomes of him and spouse on the premise that the necessary permissions had not taken under the Conduct Rules and ignored the IT returns. They also ignored the static salient features of the Income in respect of himself and members of his family Income, Agricultural, Salary, House Rents and Bank Loan Incomes and included certain properties belonging to his father-in-law, who retired as a Head Master and having his own income. They had not taken into consideration of instructions/guidelines issued in Govt. Memo.No.623/Spl.C/A1/2008-2, Dt.15.10.2008. Therefore, he has requested the Govt. to consider the merits and facts submitted by him and to drop further action against him.

6. Government have examined the representations along with supporting documents/evidences /proofs of the accused officer; keeping in view the report of DG., ACB., and observed that certain income of the AO., which were supported by IT Returns, documentary evidences and decretal orders of Court were not taken into consideration and added the kith and kin assets without following the guidelines issued in this regard. Certain items were also shown

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both in income and expenditure heads. After taking into consideration of all the issues, the assets will be less than 20% of the total income of the A.O which may come within the allowable range as per the Govt., Memo.No.623/Spl.C/A1/2008-2, Dt.15.10.2008. Hence, it is decided to withdraw the prosecution orders issued in G.O.Ms.No.200, MA&UD(Vig.I) Dept., Dt.20.09.2014 and to entrust the case to the COI, against Sri M.Appanna, the then Executive Engineer, Zone-IV, VUDA, Visakhapatnam; in order to meet the principles of natural justice and to unearth the facts in the matter.

7. Accordingly, Government hereby withdraw the prosecution orders issued in G.O.Ms.No.200, MA&UD (Vig.I) Dept., Dt.20.09.2014 against the A.O., Sri M.Appanna, the then Executive Engineer, Zone-IV, VUDA, Visakhapatnam and to conduct departmental enquiry against him, as per the orders/rules in vogue.

8. The Director General, Anti Corruption Bureau, Vijayawada, shall take necessary further action in the matter, accordingly.

9. The Director General, Anti Corruption Bureau, Vijayawada, is therefore, directed to furnish the draft Article of Charges in respect of the said A.O., Sri M.Appanna, the then EE, (retd), VUDA, Visakhapatnam, for taking further necessary action, in the matter.

10. The receipt of the G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y.SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director General, ACB., Vijayawada, Krishna District.
The Secretary, APVC, Velagapudi, AP Secretariat.
Copy to:
The Engineer-in-Chief, Public Health, A.P., Guntur
The Secretary to CM.
The OSD to M(MA&UD).
Sf/Sc (E.No: 224369).

// FORWARDED ::: BY ORDER //

SECTION OFFICER